

Att'y Docket: 1473.01

REMARKS

The examiner rejected claim 6 under 35 U.S.C. 112, second graph, but claim 6 was cancelled in the last election.

Claims 10, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (US 2002/0077922 A1) in view of Sheth (US 2002/00461330). The examiner states that it would be obvious to a person of an ordinary skill in the art to modify Srinivasan to incorporate the feature of offline cleaning.

Claims 11-13, and 16 are rejected under 35 U.S.C. 103(a) as being obvious over Srinivasan in view of Sheth and further in view of an Official Notice. The examiner states that Srinivasan in view of Sheth does not disclose a selectable list of cleaners, a payment determiner on the second website of the merchant and that the payment process is carried out cryptographically via a credit card payment, but they would have been obvious to a person of an ordinary skill in the art in view of the references and the Official Notice.

Claim 17 are rejected under 35 U.S.C. 103(a) as being obvious over Srinivasan in view of Sheth, and in view of Moreno (US Pub. No: 20020035515 A1) and further in view of an Official Notice.

In response to the above rejections, claims 13 & 16 were cancelled, claim 17 was amended by incorporating claim 10, and claims 11, 12, 14, and 15 were cancelled. New claims 28-31 are added. The added claims 28-31 repeat the limitations of deleted claims 11, 12, 14, and 15 but depending the amended claim 17.

In rejecting claims 10-18, the examiner remarks that the Srinivasan discloses a method for networking an online purchasing and Sheth teaches offline cleaning explicitly disclosing that the practice of dropping/sending garments at the cleaners for cleaning and pressing of clothes/garments/apparels is well-known and old, and proceeds to find it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Srinivasan to incorporate the feature of offline cleaning. The applicant argues that online shopping and offline cleaning are conceptually very different. While the offline cleaning has been performed through the human history, the online shopping started barely about a decade ago. Therefore, it would not be obvious to combine the two very different practices into one since the difference is distinct in terms of commercial area, cleaning vs. shopping, as well as of event

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stage, real world vs. cyber world. Furthermore, according to MPEP 2141.03, a person of an ordinary skill in the art means a hypothetical person who has "the capability of understanding the scientific and engineering principles applicable to the pertinent art." If a person can be called a person of an ordinary skill in the art of offline cleaning, it is going to be too much to ask the person to understand the possibility of application of online shopping and then combine the two arts creatively into a new art. Likewise, if a person is the one with an ordinary skill in the art of online shopping, people usually do not expect her or him to be able to incorporate the offline and traditional low-tech art of cleaning with the online leading-edge art of shopping. Surely, such a level of innovation takes more than an "ordinary" skill in the art.

At lines 13-14 of page 5 of the office action, the examiner states "*The customer can be anyone that is a merchant or a shopper*" while Sheth remarks 'customer' and 'item owner' in the disclosure. To Sheth as an inventor and expert in laundry business, the customer can be no one but the item owner. Most probably Sheth will be unable to imagine the situation in which the merchant, not an owner of the item any more, becomes his customer in the complex network of online shopping and offline cleaning businesses.

The amended claim 17 discloses a step of said online merchant crediting a cleaning charge to an account of the cleaner, which is neither disclosed nor implied anywhere in the cited references. Amendment of claim 17 only includes incorporating the limitations of the deleted claim 10 into claim 17, and thus there is no new matter. The applicant wants to refer to MPEP 608.01(l) stating "... *original claim itself constitutes a clear disclosure of this subject matter, then the claim should be treated on its merits...*" additionally. One of the features is that there is no additional cost for cleaning to the online shopper or customer. The cost for cleaning is paid with the conventional sales commission that online merchants provide in return for B2B connection. The online shopper does not have to know the logic or flow of the payment for cleaning and can enjoy the fruit of networking of a purchasing and an offline cleaning. Furthermore, claim 17 includes a step of said online merchant crediting a commission to an account of the online linker upon the confirmation receipt.

CONCLUSION

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The applicant believes that the rejections and objections were obviated by the amendment of claims, and the application is now in condition for allowance: therefore, reexamination, reconsideration and allowance of the seven (7) claims are respectively requested. If there is any additional comments or requirements from the examination, the applicant asks for a non-final office action.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any over-payment to Deposit Account No. 16-0310.

Very truly yours,
Park & Sutton LLP

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11/11/04

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